

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDS SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 2-6-08

HERBERT H. KIEGERMAN, on behalf of
himself and others similarly situated,

Plaintiff,

v.

APPLE, INC., AT&T MOBILITY LLC,

Defendants.

07 CV 8404 (PKC)

STIPULATION AND ORDER
TRANSFERRING CASE TO THE
UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT
OF CALIFORNIA

WHEREAS, on January 18, 2008, Defendant Apple Inc. ("Apple") moved to transfer venue of this action to the United States District Court for the Northern District of California, pursuant to 28 U.S.C. § 1404(a), for the purpose of seeking to consolidate this action with a similar matter pending in that court titled *In re Apple & AT&TM Antitrust Litigation*, No. 07 C 05152 JW;

WHEREAS, Plaintiff has elected to consent to such transfer;

WHEREAS, Defendant AT&T Mobility LLC ("AT&TM") takes no position respecting the transfer, so long as its right to seek to compel arbitration of this action is preserved; and

WHEREAS, Defendant Apple has represented that upon transfer it will move the transferee court to have this action related to and consolidated with *In re Apple & AT&TM Antitrust Litigation*, No. 07 C 05152 JW.

IT IS HEREBY STIPULATED AND AGREED by the undersigned counsel for the respective parties that the Court may enter the following ORDER:

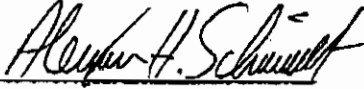
1. This action is hereby transferred to the United States District Court for the Northern District of California pursuant to 28 U.S.C. § 1404(a). The Clerk shall effectuate the transfer of this case to the United States District Court for the Northern District of California.
2. AT&TM's right to seek to compel arbitration of this case under applicable law is

preserved, as are all the other rights of the parties.

3. This stipulation may be signed in counterparts, with facsimile signatures binding as originals.

Dated: February 5, 2008

WOLF HALDENSTEIN ADLER
FREEMAN & HERZ LLP

By: 

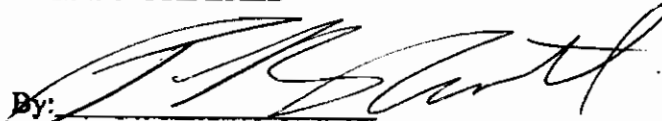
Mark C. Rifkin (MR-0904)
Alexander H. Schmidt (AS-8304)
270 Madison Ave.
New York, NY 10016
212.545.4600

Randall S. Newman
Randall S. Newman, P.C.
The Trump Building
40 Wall Street, 61st Floor
New York, NY 10005
212.797.3737

Stephen P. DeNittis
Schabel & DeNittis, P.C.
5 Greentree Centre
Suite 302
Marlton, NJ 08053
856.797.9951

Attorneys for Plaintiff
Herbert H. Kliegerman

IT IS SO ORDERED

By: 
P. Kevin Castel
United States District Judge

2-6-08

CROWELL & MORING, LLP

By: 

Timothy J. Fierst (TF-3247)
153 East 53rd Street, 31st Floor
New York, NY 10022
212.895.4263

Attorneys for Defendant
AT&T Mobility LLC

LATHAM & WATKINS LLP

By: 

Christopher S. Yates (admitted *pro hac vice*)
505 Montgomery Street
San Francisco, CA 94111
415.391.0600

Attorneys for Defendant
Apple Inc.